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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,666	08/29/2001	Christian Benz	031211-063	4789
21832	7590	10/06/2005	EXAMINER	
MCCARTER & ENGLISH LLP CITYPLACE I 185 ASYLUM STREET HARTFORD, CT 06103			BURLESON, MICHAEL L	
		ART UNIT	PAPER NUMBER	
			2626	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/940,666	BENZ ET AL.	
	Examiner Michael Burleson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 17 and 18 is/are allowed.
- 6) Claim(s) 1-7 and 10-15 is/are rejected.
- 7) Claim(s) 8,9 and 16 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/2/2002
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

***Information Disclosure Statement***

2. The information disclosure statement (IDS) was submitted on January 2, 2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Adam et al. US 6671067.



3. Regarding claim 1, Adam et al. teaches of a scanner (70) that scans the print target (40) to produce a digitized print target image (column 11,lines 43-45), which reads on a process for the manufacture of a digital color picture from an original comprising the steps of photoelectrically scanning the original by way of a color-enabled scanning device for obtaining scanning data, forming the digital color picture from the scanning data. Adams et al. teaches of comparing the print target data to the values of reference target and is printed (column 11,lines 45-53 and column 13,lines 15-20 and 36-50), which reads on transforming the digital color picture by way of a color transformation for achieving a colorimetric correspondence between the digital color picture and a reference color test picture and at least one of storing the transformed digital color picture in a preselected format and recording the digital color picture on a data carrier medium.

4. Regarding claim 2, Adams et al. teaches of a printer ICC profile (30) (column 11,lines 25-27 and column 14,lines 15-20), which reads on the step of transforming is carried out according to color management principles by using a specific profile which describes a combination of type-specific colorimetric properties of the original and a specific transfer function of the scanning device.

5. Regarding claim 3, Adams et al. teaches of providing a scanner ICC profile (90) and a scanner ICC profile (130) (column 11,lines 43-50 and column 12,lines 45-50), which reads on providing a profile for each of a number of combinations of different original types and different scanning devices. Adams et al. teaches of a printer ICC profile (30) that is used with scanner ICC profile (90) (column 11,lines 25-27 and column

14,lines 15-20), which reads on the step of transforming is carried out with a profile that belongs to an actually used scanning device and the actual original type used.

6. Regarding claim 4, Adams et al. teaches that print target data is processed using compensation transforms (150) on various types of paper and that the print target (160) is measured by instruments like spectrophotometer to produce tables (190) for various inks and paper types (column 12,lines 34-45 and column 14,lines 12-20), which reads on respectively assigning the different original types according to similarities in colorimetric properties to one of a number of original categories, setting one original type for each original category as master original and providing a separate profile for each combination of master original and different scanning device, wherein the step of transforming is carried out with the profile that belongs to the actually used scanning device and to a master original which belongs to the actually used scanning device and to a master original which belongs to an original category to which the actual photographic original belongs.

7. Regarding claim 5, Adams et al. teaches that print target data is processed using compensation transforms (150) on various types of paper and that the print target (160) (column 12,lines 34-45 and column 14,lines 12-20), which reads on different assignments of original types to the original categories are formed for different quality requirements and used for a selection of a respective profile.

8. Regarding claim 6, Adams et al. teaches of a reference print target (50) that comes with color space values (column 12, lines 9-45), which reads on providing test originals of individual original types for an assignment of the different original types to

original categories, the test originals carrying a test image having several color measurement fields measuring the color values of the color measurement fields, comparing the color measurement data of the test originals and assigning the original types based on the comparison of the color measurement values.

9. Regarding claim 7, Adams et al. teaches that the reference target (50) comes with color space values that is used to create a scanner ICC profile (130) (column 12,lines 17-21). Adams et al. teaches the combined reference target (50) and the print target (40) are scanned simultaneously to produce an RGB image used by the profiler (110) to produce the scanner ICC profile (130) (column 12,lines 22-33). This reads on selecting one original type as a superior reference original type, making a physical analog color test card as reference color test image from an original of the reference original type, the test card including a color measurement card and using this reference color test image for creating the profile.

10. Regarding claim 10, Adam et al. teaches of a scanner (70) that scans the print target (40) to produce a digitized print target image (column 11,lines 43-45), which reads on a color-enabled scanning device for photoelectrically scanning an original to obtain scanning data. Adams et al. teaches that CPU (100) compares the print target data to the values of reference target and prints the image (column 11,lines 45-53 and column 13,lines 15-20 and 36-50). Adams et al. teaches of a printer ICC profile (30) (column 11,lines 25-27 and column 14,lines 15-20). This reads on a computer for forming the digital color picture from the scanning data obtained in a preselected data format, the computer cooperating with the scanning device and at least one of storing

the digital color picture and recording it on a data carrier medium, and the computer subjecting the digital color picture prior to the at least one of storage and recording to a color transformation for transforming the color space defined by a combination of type specific colorimetric properties of the original and a specific transfer function of the scanning device used, so that a colorimetric correspondence between the digital color picture and a reference color test picture is achieved.

11. Regarding claim 11, Adams et al. teaches of a printer ICC profile (30) (column 11,lines 25-27 and column 14,lines 15-20), which reads on the computer carries out the color transformation according to color management principles by using a specific profile which describes a combination of type-specific colorimetric properties of the original and a specific transfer function of the scanning device used.

12. Regarding claim 12, Adams et al. teaches of providing a scanner ICC profile (90) and a scanner ICC profile (130) (column 11,lines 43-50 and column 12,lines 45-50), which reads on providing a profile for each of a number of combinations of different original types and different scanning devices. Adams et al. teaches of a printer ICC profile (30) that is used with scanner ICC profile (90) (column 11,lines 25-27 and column 14,lines 15-20). This reads on the means for respectively storing one profile for one of a number of combinations of different types of originals with different scanning devices and means for recognizing the actually used scanning device and the type of the actual original on the basis of information in relation thereto, wherein the computer is constructed for carrying out the transformation with a profile that belongs to an actually used scanning device and the actual original type.

13. Regarding claim 13, Adams et al. teaches that print target data is processed using compensation transforms (150) on various types of paper and that the print target (160) is measured by instruments like spectrophotometer to produce tables (190) for various inks and paper types (column 12,lines 34-45 and column 14,lines 12-20), which reads on means for respectively assigning each of a number of different original types according to similarities of spectral properties to one of a number of original categories, and for setting one type of original category for each original as master original and means for storing a profile for each combination of master original and one of a number of different scanning devices, wherein the computer carries out the color transformation with the profile that actually belongs to the actually used scanning device and to a master original of an original category to which the actual photographic original belongs.

14. Regarding claim 14, Adams et al. teaches a profiler (110) that creates a profile based on reference target (50) and print target (40) (column 12,lines 21-33), which reads on a profile generation means for automatically creating a profile on the basis if image data of a digital test color picture and a reference color test picture.

15. Regarding claim 15, Adams et al. teaches that quality results that a scanner be properly profiled (column 6,lines 35-67 and column 12,lines 22-34). He also teaches of a profiler (110), scanner ICC profile (90) and a scanner ICC profile (130) (column 11,lines 43-50 and column 12,lines 45-50). This reads on quality control means for controlling the quality of the digital color picture.

***Allowable Subject Matter***

16. Claims 17 and 18 allowed.

17. Regarding claim 17, Prior art of record fails to teach of a color measurement strip comprising; a color test image region with a relatively small number of color measurement fields, a color test card region with a relatively large number of color measurements fields and a visual test image region with at least one picture motif suitable for visual color evaluation, wherein the color measurement strip is used in a process of photoelectrically scanning the original by way of a color-enabled scanning device for obtaining scanning data, forming the digital color picture from the scanning data, transforming the digital color picture by way of a color transformation for achieving a colorimetric correspondence between the digital color picture and a reference color test picture and at least one of storing the transformed digital color picture in a preselected format and recording the digital color picture on a data carrier medium.

18. Claims 8,9 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-



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7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

Michael Burleson  
Patent Examiner  
Art Unit 2626



Mib  
September 29, 2005



KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER

